

## REMARKS / ARGUMENTS

Claims 117-120 are pending in the present application. Of these, claim 117 is independent.

Claim 119 was objected to as being indefinite. The dependency of claim 119 has been amended to address this objection.

Claims 117, 119 and 120 were rejected as being anticipated by Bates et al (U.S. Patent No. 6,179,859). Claims 117, 119 and 120 were rejected as being anticipated by Daniel et al (U.S. Patent No. 6,245,089).

### Discussion

Amended independent claim 117 is allowable over Bates and Daniel (“the cited art”) since the cited art does not disclose or suggest the steps of “advancing the obstruction removing element into the obstruction with the obstruction removing element in the collapsed position so that at least part of the obstruction removing element is positioned within the obstruction; permitting the obstruction removing element, including the part of the obstruction removing element positioned within the obstruction, to move toward the expanded shape after the advancing step; and moving the obstruction removing element proximally to further engage the obstruction with the obstruction removing element.” Neither Bates nor Daniel disclose or suggest positioning part of the obstruction removing element “within the obstruction” and permitting the obstruction removing element “including the part of the obstruction removing element positioned within the obstruction” to move toward an expanded position. Bates and Daniel are directed to filtering devices which are positioned distal to a region of concern rather than being positioned within the obstruction and expanded as claimed (see Fig. 1 of Daniel and Fig. 3C of Bates which shows the filter position relative to the stenosis).

Dependent claims 118-120 are allowable since they depend from allowable independent claim 118 and because they recite independently patentable features.

**CONCLUSION**

Applicant submits that all claims are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

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Date

  
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